

NOV 18 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

GLEND A R. TINAY,

Plaintiff

v.

RICARDO P. BAUTISTA,

Defendant

Civil Action No. 05-0003

ORDER STRIKING ANSWER
OF DEFENDANT and
ENTERING DEFAULT
AGAINST HIM

THIS MATTER came before the court on Friday, November 18, 2005, for the final pretrial conference set by the case management scheduling order of May 25, 2005. Plaintiff appeared by and through her attorney, Joe Hill; defendant again failed to appear and no attorney made an appearance on his behalf. NOW, THEREFORE,

IT IS ORDERED that, based upon plaintiff's oral motion this date, the court's prior, unheeded warnings to defendant, and defendant's repeated failures to appear, defendant's answer of May 5, 2005, be and hereby is stricken and default is

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2 entered against him.

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4 These actions are taken due to defendant's failure to appear at the September
5 2, 2005, status conference, at the October 28, 2005, mandatory settlement
6 conference, and at today's final pre-trial conference. Additionally, defendant has
7 failed to adhere to any part of the May 25, 2005, case management conference
8 scheduling order, and the court's October 11, 2005, letter to defendant, which
9 notified defendant (for the second time; *see*, "Order After Status Conference," (Sept.
10 2, 2005))¹ that sanctions, including striking his answer and entering default against
11 him, could be imposed if he continued to ignore his duties in this lawsuit and the
12 court ultimately concluded that he had abandoned his defense of the claim against
13 him. Accordingly,
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17 Defendant's answer has been stricken and default has been entered against
18 him. Upon proper motion of defendant, the court will set a hearing on damages
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25 Defendant was warned for a third time in the court's "Order After Scheduled
26 Settlement Conference" (Oct. 28, 2005) that his answer might be stricken and default
entered against him if he continued to fail to defend this action.

1 without further notice to defendant.

2 IT IS SO ORDERED.

3 DATED this 18th day of November, 2005.

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8 ALEX R. MUNSON
9 Judge
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